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NORTHERN DISTRICT OF CALIFORNIA

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UMG RECORDINGS, INC.; VIRGIN
RECORDS AMERICA, INC.; LAFACE
RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; INTERSCOPE
RECORDS; and CAPITOL RECORDS,
INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UMG RECORDINGS, INC., a Delaware
corporation; VIRGIN RECORDS AMERICA,
INC., a California corporation; LAFACE
RECORDS LLC, a Delaware limited liability
company; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; INTERSCOPE RECORDS, a
California general partnership; and CAPITOL
RECORDS, INC., a Delaware corporation,
Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO.

**EX PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY**

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum
3 of Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound
6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a
7 third party Internet Service Provider ("ISP") to determine the true identities of Doe Defendants, who
8 are being sued for direct copyright infringement.

9 2. As alleged in the complaint, the Defendant John Doe, without authorization, used an
10 online media distribution system to download Plaintiffs' copyrighted works and/or distribute
11 copyrighted works to the public. Although Plaintiffs do not know the true names of Defendants
12 John Doe, Plaintiffs have identified Defendant by a unique Internet Protocol ("IP") address assigned
13 to Defendant on the date and time of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that
15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot
17 identify the Doe Defendants or pursue their lawsuit to protect their copyrighted works from repeated
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a
20 Rule 26(f) conference where there are no known defendants with whom to confer.

21 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct the
22 foregoing requested discovery immediately.

23
24 Dated: June 13, 2007

HOLME ROBERTS & OWEN LLP

25
26 By: 

27 MATTHEW FRANKLIN JAKSA
28 Attorney for Plaintiffs